



Montana Fish, Wildlife and Parks
4600 Giant Springs Road
Great Falls, MT 59405

May 11, 2020

Dear Interested Parties:

Montana Fish, Wildlife & Parks (FWP) has developed a draft Environmental Assessment (EA) prepared for the proposed action:

An amendment to the existing easement (Reel 46 Doc No 3831 of the official Public Records of Cascade County, Montana) held by Montana Fish, Wildlife, & Parks (FWP) has been requested by Phillips 66 Pipeline LLC on behalf of Phillips 66Carrier LLC to add a new section of 12-inch diameter crude oil pipeline to the existing right-of-way agreement and abandon part of the existing pipeline once the new pipeline is tied in and operational.

The EA is available at: www.fwp.mt.gov - NEWS "Recent Public Notices". If you would like to request a printed version of the EA contact the Region 4 Office at (406) 454-5840. Questions and comments on the EA will be accepted through May 27, 2020.

If you have questions about the EA or the project call: 406-454-5840

Written comments can be mailed to the following address:

EA Comment Phillips 66
MT Fish, Wildlife & Parks
4600 Giant Springs Road
Great Falls, MT 59405

Or e-mail comments with subject line reading: P66 EA Comments

To: gbertellotti@mt.gov

Thank you for your interest in the project.

Sincerely,


Gary Bertellotti
Regional Supervisor



MONTANA FISH, WILDLIFE & PARKS

**Draft
Environmental Assessment**

**Phillips 66 Carrier LLC Easement
Amendment, Giant Springs State Park
Cascade County, Montana**

May 8, 2020

Draft Environmental Assessment CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

- 1. Type of proposed state action:** An amendment to the existing easement (Reel 46 Doc No 3831 of the official Public Records of Cascade County, Montana) over land owned by Montana Fish, Wildlife, & Parks (FWP) has been requested by Phillips 66 Pipeline LLC on behalf of Phillips 66Carrier LLC to add a new section of 12-inch diameter crude oil pipeline to the existing right-of-way agreement and abandon part of the existing pipeline once the new pipeline is tied in and operational.
- 2. Agency authority for the proposed action:**
Section 87-1-209 (4) of the Montana Code Annotated (“MCA”) authorizes the Director of Montana Fish Wildlife and Parks (“FWP”) to grant or acquire (from willing sellers) pipeline easements when necessary and advisable for the management and use of department property. Consent of the Parks Board or Fish and Wildlife Commission is not required when the value of the interest acquired or conveyed is less than \$20,000. This authority includes the amendment of an existing easement which, in this case, is valued at approximately \$3,600.
- 3. Name, address and phone number of project sponsor:**
Phillips 66 Pipeline LLC, Attn: Eli Kliewer, Rockies Region Manager
2626 Lillian Avenue
Billings, MT 59101
(406) 255-5710
- 4. Anticipated Schedule:**
Estimated Construction Commencement Date: June 8, 2020
Estimated Completion Date: August 8, 2020
Current Status of Project Design (% complete): Not started
- 5. Location affected by proposed action (county, range and township – included map):**
NE1/4 of Section 11, Township 21 North, Range 5 East, Cascade County, MT
Latitude: 47.594758° N
Longitude: -111.052733° W

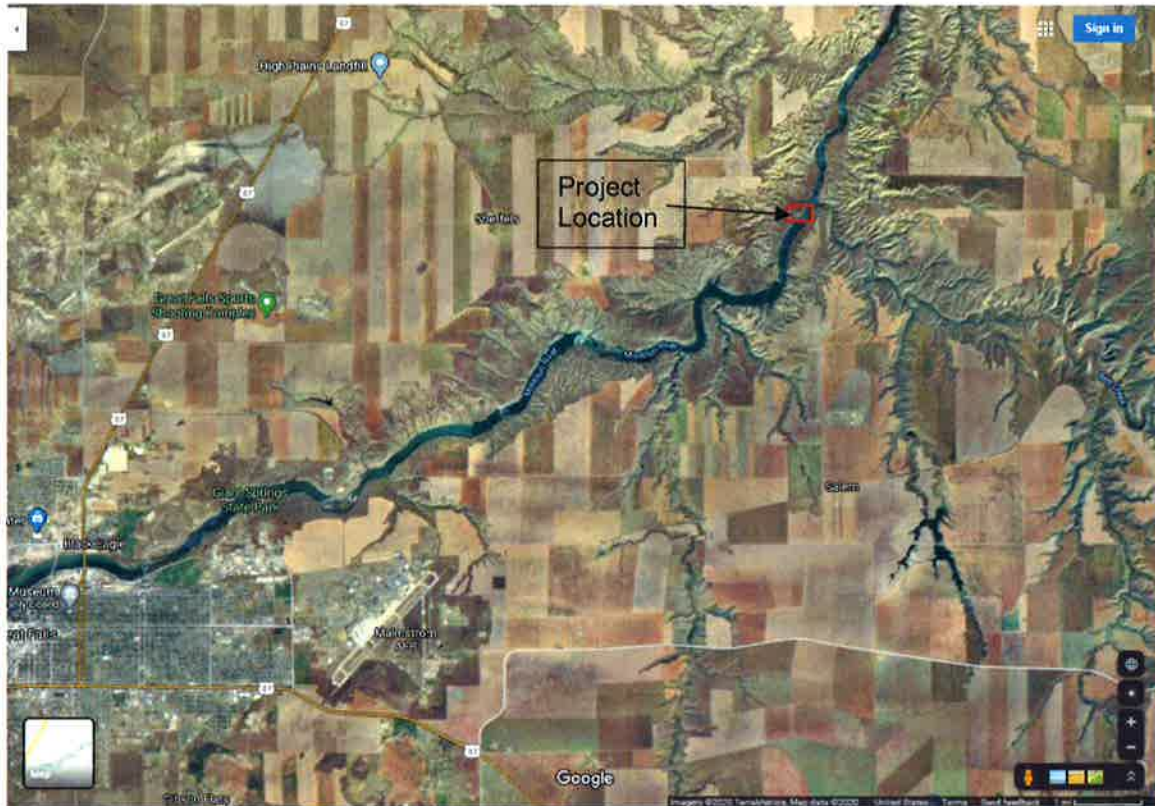


Figure 1. Project is located adjacent to the Missouri River approximately one mile downstream from Morony Dam.

6. Project size -- estimate the number of acres that would be directly affected that are currently:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
(existing shop area)		Irrigated cropland	<u>0</u>
(b) Open Space/	<u>0.69</u>	Dry cropland	<u>0</u>
Woodlands/Recreation		Forestry	<u>0</u>
(c) Wetlands/Riparian	<u>0</u>	Rangeland	<u>0</u>
Areas		Other	<u>0</u>

8. Permits, Funding & Overlapping Jurisdiction.

- (a) **Permits:** permits will be filed at least 2 weeks prior to project start.

Agency Name	Permit	Status
US Army Corps of Engineers	Section 404/10 – Below Ordinary High Water Mark of Missouri River	Pending
MT DNRC	Easement (Below Low Water Line of Missouri River)	Pending
Cascade Conservation District	310 Permit – Bed and Banks	Approved
MT DEQ	318 Authorization – In-channel	Approved
MT DEQ	Storm Water Pollution Prevention Plan, all upland project areas	Approved

- (b) **Funding:** 100% funded by Phillips 66. Phillips 66 pays a standard rate of \$100 per rod for a new easement. Phillips 66 has offered to pay the same rate for the easement amendment described herein. Based on the length of the easement the total amount will be approximately \$3600.

(c) **Other Overlapping or Additional Jurisdictional Responsibilities:**

Agency Name	Type of Responsibility
MT DEQ	Stormwater Permit requires erosion and sediment control measures be implemented on the FWP lands as well as other private lands affected by the project

9. Narrative summary of the proposed action:

In March of this year, Phillips 66 informed FWP that it was planning to replace an existing pipeline under the Missouri River north of Great Falls. Phillips 66 Carrier LLC owns 2 existing parallel pipelines (GL07- 8” pipeline and GL09- 12” pipeline) at this location and both lines are operated by Phillips 66 Pipeline LLC (P66). There is a separate easement for each pipeline over FWP land. Each of these easements predated FWP’s ownership. These lines transport crude oil from Canada to the Phillips 66 and ExxonMobil Refineries in Billings. P66 is proposing to construct a new 12-inch diameter pipeline crossing the Missouri River 60 feet below the river bed adjacent to the existing pipelines using Horizontal Direction Drill (HDD) technology. The existing 12-inch pipeline was installed in the 1960’s and P66 plans to replace the section under the river to ensure integrity of the pipeline. There will be approximately 2200 feet of new pipeline (of which 600 feet will be under FWP Land) installed underground by HDD on FWP land on the north side of the Missouri River. There will be approximately 600 feet of existing underground pipeline which will be cleaned and deemed abandoned in place after the new segment is installed and operational. See Exhibit A. P66 will be filing all necessary permitting, obtaining all approvals, and executing this project on behalf of Phillips 66 Carrier LLC.

10. Description and analysis of reasonable alternatives:

Alternative A: No Action

Under the No Action Alternative, FWP would not agree to the proposed amendment to the existing easement. Under this scenario, Phillips 66 could lose the opportunity to improve the condition of the existing pipeline by replacing it with new pipe with new welds at an estimated depth of 60 ft below the river bed.

Alternative B: Proposed Action

Under Alternative B (Proposed Action), FWP would agree to the proposed amendment to the existing easement. Agreeing to the amendment will allow Phillips 66 to utilize HDD technology to install a new 12-inch pipeline under the bed of the river with minimal surface disturbance. The HDD entry point work area will be located within the existing ROW on FWP property with additional work pad space for an approximately 200-foot X 200-foot work area on the north side of the river. Similarly, a 200-foot X 200-foot work space also will be used for the exit point on private land on the opposite side of the river. An area approximately 10-foot X 15-foot X 5-foot deep will be excavated in the drill entry and exit work areas to contain drilling mud. Each pit will involve approximately 25 cubic yards of topsoil and subsoil, which will be separated. These pits will be backfilled and returned to pre-construction conditions upon completion of construction.

In order to complete the installation of the new section of pipeline and the abandonment of the out-of-service section of pipeline, the following actions are being evaluated by FWP.

1. A portion of the existing 60ft wide Right of Way described in the existing easement right of way ("ROW") shall be amended to include the location described and shown in the attached Exhibit "A", attached hereto and made a part hereof, (the "Relocated Portion") with the Relocated Portion being 50ft in width and the as-laid 12 inch pipeline being the centerline of said Relocated Portion of the Right of Way.
2. After completion of Phillips 66's construction activities, a portion of the existing 60ft ROW will be considered inactive and the existing 12-inch pipeline will be cleaned by the Company and deemed to be abandoned in place (the "Inactive Portion"). The Inactive Portion of the existing ROW is being shown in the attached Exhibit "A".
3. FWP will grant Phillips 66 license to occupy a temporary workspace area as identified in Exhibit "B", to accommodate the company's horizontal directional drilling ("HDD") activities. The area to be utilized by the Company until completion of all HDD construction activities has an estimated footprint of 200ft x 200ft. The temporary workspace area will then revert back to the existing ROW. Phillips 66 shall be responsible for the proper reclamation and reseeding of the temporary workspace area upon the completion of the HDD construction activities as identified in Exhibit "B".

If Phillips 66 is to replace the existing pipeline using HDD technology, the easement must be amended. Phillips 66 has not indicated that it intends to replace the pipeline if it cannot do so using HDD technology. Therefore, no other alternatives were considered.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

As the expected total project disturbance area will exceed one acre (including areas not on FWP lands), the construction will proceed according to the implemented storm water pollution prevention plan (SWPPP) to minimize erosion and sedimentation caused by precipitation. Best management practices that will be implemented include, but are not limited to: preserving existing vegetation where feasible, topsoil separation/salvage, Equipment brought on site will be prewashed to avoid weed seeds from being transported to the site, straw wattle and compost filter sock sediment barriers, spill prevention and response measures, good housekeeping practices on the job site, and reseeding with native species suited for the area. The project area will be monitored for vegetation success until final stabilization is reached as defined in the SWPPP.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Geology and soil quality, stability and moisture			X Temporary		x	x
2. Air quality or objectionable odors			X Temporary			x
3. Water quality, quantity and distribution (surface or groundwater)				x		
4. Existing water right or reservation				x		
5. Vegetation cover, quantity and quality			X Temporary		x	x
6. Unique, endangered, or fragile vegetative species				x		
6. Terrestrial or aquatic life and/or habitats			X Temporary			x
7. Unique, endangered, or fragile wildlife or fisheries species				x		
8. Introduction of new species into an area				x		
9. Changes to abundance or movement of species				x		

1. Subsoil and topsoil will be separated during construction. Stockpiles will be protected from erosion by placing sediment barriers around the downgradient perimeter. A SWPPP will be implemented.
2. While the drill is operating, there will be some emissions of diesel exhaust. Hours of drill operation will be from approximately 8:00 am to 6:00 pm Monday through Saturday for approximately 3 – 4 weeks.
5. Vegetation and topsoil will be salvaged and replaced upon completion of construction. Disturbed areas will be reseeded with grass and forb species recommended by FWP.
6. While the work is underway, there will be temporary impacts due to vegetation disturbance, noise, and the presence of workers and equipment. These impacts will cease once the project is completed.

B. HUMAN ENVIRONMENT

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Noise and/or electrical effects			X Temporary			x
2. Land use				x		
3. Risk and/or health hazards				x		x
4. Community impact				x		
5. Public services/taxes/utilities				x		
6. Potential revenue and/or project maintenance costs				x		
7. Aesthetics and recreation			X Temporary			x
8. Cultural and historic resources				x		x
9. Evaluation of significance				x		
10. Generate public controversy				x		x

1. There will be noise while the drill rig is operating during the day.

3. The segment of the pedestrian trail nearest the drill rig will be temporarily closed while the work is underway.

7. The visual character of the site will be impacted during the presence of equipment and workers and a 660 feet long segment of trail within Giant Springs State Park will be closed during the duration of the work.

8. A class III cultural resource survey was conducted by Metcalf Archeology in March 2020 and the results were provided to Rachel Reckin with FWP. No previously undiscovered resources were found. MT SHPO is currently reviewing the report. Work will not begin until that review is complete.

10. This activity has become a common industry practice for replacing pipelines. It has been conducted at multiple locations across the state for the past several years.

PART III. NARRATIVE EVALUATION AND COMMENT

The impacts resulting from the pipeline replacement are expected to be minor and temporary. A 660 foot portion of a public trail will be closed from June 8 through approximately August 8, but that will not prevent access to the spring area, because there is another arm of the trail loop that will remain open throughout the duration of construction.

There is a potential for weeds to colonize disturbed soil in the project area. This impact can be mitigated by immediately re-seeding disturbed areas with native plants and then actively monitoring and managing it for emergent weeds for two-years post-construction.

The purpose of the pipeline replacement is to maintain existing infrastructure while ensuring safe and reliable operation of the pipeline for the foreseeable future. It is in the best interest of the pipeline operator/owner as well as the public and affected resources that the pipeline be maintained in good condition. Allowing the proposed easement amendment will help the pipeline owner perform those necessary upgrades.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manner of the opportunity to comment on this current EA, the proposed action and alternatives:

- One public notices in each of these papers: Helena Independent Record, Great Falls Tribune
- One statewide press release.
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

2. Duration of comment period:

The public comment period for 15 days following the publication of the second legal notice in area newspapers. Written comments will be accepted until **5:00 p.m., May 27, 2020** and can be mailed to the address below:

EA Comments Phillips 66
MT Fish, Wildlife and Parks
4600 Giant Spring Road
Great Falls, MT 59405

E-mail comments to:
With the "Subject Line": P66 EA comments
gbertellotti@mt.gov

PART V. EA PREPARATION

1. **Based on the significance criteria evaluated in this EA, is an EIS required? No. If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.**

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the proposed action; therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact; the probability that the impact would occur; or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact; the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. **Person(s) responsible for preparing the EA:**

Jean Ramer, CESCO
Terracon Consultants, Inc.
2110 Overland Avenue, Suite 124
Billings, MT 59102

3. **List of agencies or offices consulted during preparation of the EA:**

- Montana Dept. of Natural Resources and Conservation – EA for easement under Yellowstone River, (low water mark to low water mark)
- Montana Dept. of Environmental Quality – SWPPP and 318 Authorization
- Montana State Historic Preservation Office – Section 106 NHPA Consultation with US Army Corps of Engineers
- US Fish and Wildlife Service – IPAC and NWI web queries
- Cascade Conservation District and FWP – 310 Permit
- Montana Fish, Wildlife and Parks
 - – Fisheries, Parks and Wildlife staff Great Falls.
 - Lands Unit
 - Legal Unit
 - Responsive Management Unit

Appendices: Trail Closure Map

Phillips 66 Pipeline Project- Trail Closure

Key

-  Closed Portion of Loop Trail
-  Pad

